## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

RAVANNA STEPHENS BEY, Jr.,

Petitioner, : Civ. No. 12-6783 (RBK)

v. : MEMORANDUM ORDER

D. COHEN, et al.,

Respondents.

On January 24, 2013, this Court dismissed without prejudice petitioner's *pro se* petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. The Court stated that it was not clear whether petitioner was "in custody" pursuant to the conviction or sentence he was attacking in his petition. Furthermore, the Court noted that petitioner failed to exhaust his state court remedies.

In a document dated prior to the Court's opinion, but received by the Court after this case was dismissed without prejudice, petitioner submitted a request for emergency relief. (*See* Dkt. No. 6.) For purposes of completeness, the Court will order the Clerk to reopen this case so that this request can be analyzed.

Petitioner requests discovery documents and items in his request for emergency relief. "Rule 6 of the Rules Governing § 2254 Cases states that '[a] judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Civil Procedure and may limit the extent of discovery." *Han Tak Lee v. Glunt*, 667 F.3d 397, 404 (3d Cir. 2012). In this case, the Court has already dismissed petitioner's habeas petition as he failed to state clearly that he was "in custody" pursuant to the conviction or sentence he was attacking and that he failed to

exhaust his state court remedies. Thus, as petitioner's habeas petition has been dismissed without prejudice for these reasons, his request for emergency relief requesting discovery will also be denied.

Accordingly, IT IS on this 21 day of \_\_\_\_\_\_, 2014,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that petitioner's request for emergency relief (Dkt. No. 6.) is denied; and it is further

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S. mail; and it is further

ORDERED that the Clerk shall reclose this case.

ROBERT B. KUGLER United States District Judge